

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE**

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Parker Tirrell, by her parents and next friends  
Sara Tirrell and Zachary Tirrell, and

Iris Turmelle, by her parents and next friends  
Amy Manzelli and Chad Turmelle,

Plaintiffs,

v.

Frank Edelblut, in his official capacity as  
Commissioner of the New Hampshire Department  
Of Education, *et al.*,

Defendants.

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Case No. 1:24cv00251-LM-TSM

**FEDERAL DEFENDANTS' MOTION TO DISMISS  
THE SECOND AMENDED COMPLAINT**

Defendants Donald J Trump, in his official capacity as President of the United States, United States Department of Justice, Pamela J. Bondi, in her official capacity as Attorney General of the United States, United States Department of Education, and Denise L. Carter, in her official capacity as Acting Secretary of Education ("Federal Defendants"), move to dismiss all claims against them in Plaintiffs' Second Amended Complaint, ECF No. 95, pursuant to Federal Rule of Procedure 12(b)(1) and 12(b)(6).

1. Plaintiffs' Second Amended Complaint fails to allege a case or controversy or that they have constitutionally required standing. Plaintiffs' Second Amended Complaint also fails to allege claims that can overcome sovereign immunity or otherwise invoke this Court's jurisdiction. The Court therefore lacks subject-matter jurisdiction and should dismiss the all the claims against all the Federal Defendants under Rule 12(b)(1).

2. Plaintiffs' Second Amended Complaint fails to allege facts sufficient to state a plausible claim for relief against any of the Federal Defendants. The Court accordingly should dismiss the all the claims against all the Federal Defendants under Rule 12(b)(6).

3. The Federal Defendants have not sought Plaintiffs' assent because this is a dispositive motion.

4. In support of this Motion, the Federal Defendants submit an accompanying Memorandum of Law with citations to applicable law and facts.

WHEREFORE, the Federal Defendants respectfully request that the Court grant this Motion and enter an order dismissing all the claims against the Federal Defendants.

Respectfully submitted,

RICHARD LAWSON  
Deputy Associate Attorney General

/s/ Matthew J. Donnelly  
MATTHEW J. DONNELLY  
Attorney  
Illinois Bar No. 6281308  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530  
Telephone: (202) 616-2788  
Email: matthew.donnelly@usdoj.gov

Counsel for the Federal Defendants

Dated: June 6, 2025

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent on this date to all counsel of record via the Court's Electronic Filing System.

Dated: June 6, 2025

/s/ Matthew J. Donnelly  
MATTHEW J. DONNELLY  
Attorney for the United States